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Attorneys for Defendant

THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ALOHA SPORTS INC., a Hawaii)	CIVIL NO. CV04-000204 DAE/KSC
corporation,)	
)	DEFENDANT THE NATIONAL
Plaintiff,)	COLLEGIATE ATHLETIC
)	ASSOCIATION'S NOTICE OF
vs.)	OBJECTION TO PLAINTIFF ALOHA
)	SPORTS INC.'S NOTICE OF
THE NATIONAL COLLEGIATE)	COMPLIANCE WITH CONDITIONS

ATHLETIC ASSOCIATION, an)
unincorporated association,)

Defendant.)

) PERMITTING IT TO DISMISS ITS STATE
) LAW CLAIMS WITHOUT PREJUDICE
) PURSUANT TO THE “ORDER
) PROVISIONALLY GRANTING
) PLAINTIFF’S MOTION TO
) VOLUNTARILY DISMISS ITS FIRST
) CAUSE OF ACTION WITH PREJUDICE
) AND ITS REMAINING CAUSES OF
) ACTION WITHOUT PREJUDICE,”
) ENTERED JULY 5, 2006 (FILED
) SEPTEMBER 12, 2006); CERTIFICATE OF
) SERVICE
)
)

DEFENDANT THE NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION'S NOTICE OF OBJECTION TO PLAINTIFF ALOHA SPORT
INC.'S NOTICE OF COMPLIANCE WITH CONDITIONS PERMITTING IT TO
DISMISS ITS STATE LAW CLAIMS WITHOUT PREJUDICE PURSUANT TO
THE "ORDER PROVISIONALLY GRANTING PLAINTIFF'S MOTION TO
VOLUNTARILY DISMISS ITS FIRST CAUSE OF ACTION WITH PREJUDICE
AND ITS REMAINING CAUSES OF ACTION WITHOUT PREJUDICE,"
ENTERED JULY 5, 2006 (FILED SEPTEMBER 12, 2006)

On July 5, 2006 this Court entered an Order provisionally granting Aloha Sports, Inc.’s (“ASI”) motion to voluntarily dismiss its federal law claim with prejudice and its state law claims without prejudice (“the July Order”). The Court’s granting of the voluntary dismissal of ASI’s state law claims was conditioned upon ASI’s reimbursement of:

- 1) Costs and attorney's fees incurred by the NCAA in opposing ASI's motion to bifurcate or in the alternative to extend the discovery deadline.
- 2) Costs and attorney's fees incurred by the NCAA in opposing the instant motion.

July Order at 14. In addition to paying the NCAA's costs and attorney's fees, ASI was required to "stipulate that all discovery materials assembled to date can be used in any subsequent proceeding between the parties." Id.

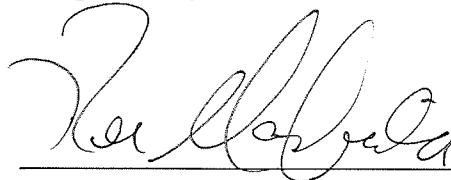
On September 8, 2006 the Court adopted Magistrate Chang's Findings and Recommendation Regarding Attorneys Fees and Costs, issued on August 23, 2006, which awarded the NCAA a total amount of \$26,280.79. On September 12, 2006, ASI filed a "Notice of Compliance" with the conditions set forth by the Court in the July Order. The NCAA objects to this "Notice of Compliance" to the extent that it is intended to be used by ASI as documentation of the dismissal of the matter before this Court without a final Order issued by the Court.

Although ASI has delivered to the NCAA's attorneys a check for \$26,280.79, the NCAA requests that a final Order not be entered until the NCAA has had five (5) business days to process the check provided by ASI. In light of ASI's history of outstanding debts, the NCAA respectfully requests that the Court allow the NCAA five (5) business days to process the check provided by ASI to finalize payment and determine that ASI has in fact met the conditions outlined in the July Order.

Lastly, the NCAA will be submitting its own proposed final Order pursuant to LR58.2.

DATED: Honolulu, Hawaii, September 15, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William C. McCorrison', is written over a horizontal line.

WILLIAM C. MCCORRISTON

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